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## **Article 24: Environmental Standards**

### **24.010 Purpose**

The purpose of this Article is to establish standards for development that will maintain or improve the environmental quality and the conditions of health and safety of the community.

### **24.020 Applicability**

This Article sets forth standards for noise, air, water and land quality. All developments, public and private, shall continually adhere to these standards. The provisions of Chapter 340, Oregon Administrative Rules shall be applicable to this Article. Chapter 340 covers department of Environmental Quality Standards for noise, water, air and land quality.

### **<sup>1</sup>24.030 Site Plan Review**

As provided by Article 19 of this Code, the Site Plan Review Committee shall evaluate all Minor and Major Site Plan applicants for compliance with this Article.

### **24.100 Noise Standards**

#### **24.120 Purpose.**

The purpose of the noise standards are to ensure a suitable living environment and to protect citizens against excessive noise in their community and places of residence. Uses specifically protected are:

- (a) Existing and future residential uses along highways, arterials and railroads.
- (b) Existing and future residential adjacent or abutting commercial and industrial uses or zones.
- <sup>2</sup>(c) Noise sensitive property which is real property normally used as schools, churches, nursing homes, hospitals and public libraries.

### **24.150 Sound Measurement Procedures**

The procedures for measurement of sound for the purpose of enforcing this Article are found in the Sound Measurements Procedures Manual, publications NPCS-1, Department of Environmental Quality. Measurements shall be taken by a qualified City employee or private acoustical specialist approved by the Director. Fees for sound measurement by City employees shall be determined by the Director.

<sup>3</sup>24.161 Maximum Permissible Exterior Sound Levels

Allowable Statistical Noise Levels in Any One Hour		
	7am to 10pm	10pm to 7am
L50	55 dBA	50 dBA
L10	60 dBA	55 dBA
L1	75 dBA	60 dBA

Notes: L50 is the level that may be exceeded 50% of the time; cumulative 30 minutes/hour.

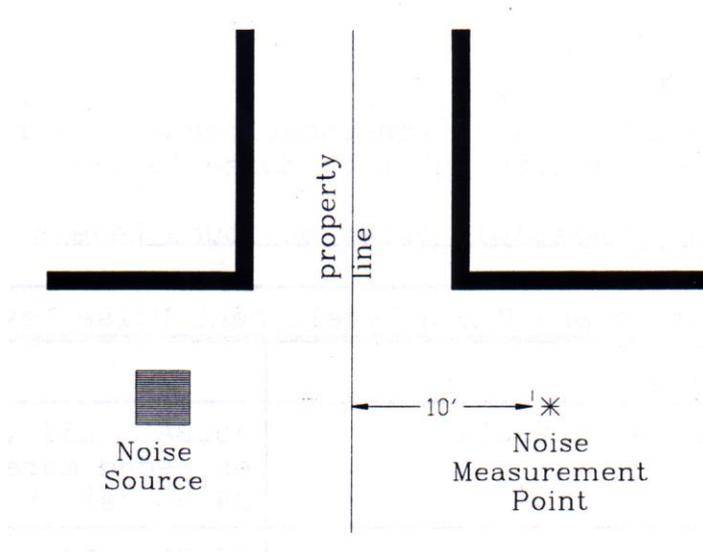
L10 is the level that may be exceeded 10% of the time; cumulative 6 minutes/hour.

L1 is the level that may be exceeded 1% of the time; cumulative 36 seconds/hour.

dBA means A-weighted decibels (decibels measured at the frequency where the human ear is most sensitive).

Source: OAR Chapter 340 Division 35.

\*Measured on the lot with the noise sensitive use ten feet from the property line of the noise producing lot. See Concept Sketch 24-1.



Concept Sketch 24-1

24.162

New Development Along Highways and Arterial Streets

- (1) Highways and arterial streets are defined and depicted in the Roadway and Traffic Safety Management Plan for the Grants Pass UGB.
- (2) Developments abutting highways and arterial streets will achieve the exterior noise standards established in Section 24.160. Sound levels will be measured 25 feet from the proposed dwelling unit(s) on the side(s) of the dwelling unit(s) that are adjacent to the noise source.
- (3) Exterior sound attenuation will be accomplished by the construction of a masonry wall, earth berm or fence between the dwelling unit(s) and the noise source. The wall, berm or fence shall have a solid, continuous surface without any openings or holes. The barrier shall be continuous along the entire property line and shall be of sufficient height to intercept the roadway noise between the highest point of a noise source (truck exhaust stack) and the dwelling units.
- <sup>4</sup>(4) The reduction in sound levels resulting from a barrier wall, berm or fence shall be determined by recommendations in the NOISE GUIDEBOOK<sup>5</sup>, U.S. Department of Housing and Urban Development.
- (5) A continuous row of non-inhabited area structures may be used to attenuate interior noise levels.

<sup>6</sup>24.163

Maximum Permissible Interior Sound Levels

Housing and Urban Development Noise Level Criteria	
<u>Interior</u>	
Clearly acceptable 7am-10pm	45dBA - L33 (not to be exceeded more than 8 out of 24 hours)
	55dBA - L4 (not to be exceeded more than 1 out of 24 hours)
night: 10pm-7am	45dBA -L5 (not to be exceeded more than 30 min. out of 8 hours.

24.164

Reducing Interior Noise Levels. In order to reduce interior noise levels pursuant to Section 24.163, the applicant will incorporate sound attenuation measures in the design of the buildings. The following noise control measures may be implemented:

- (1) masonry exterior walls on the side of the building adjacent to the noise source.
- (2) double or triple pane windows encased in rubber gaskets; and/or fixed windows.

- (3) tightly fitted, solid, exterior doors.
- (4) location of sleeping and living quarters on the opposite side of the part of the dwelling unit which faces the noise source<sup>7</sup>.

<sup>8</sup>24.165 New Heat Pump Installation. The installer of a heat pump shall obtain a permit from the Building Official prior to the installation. The heat pump shall be installed to meet the outdoor noise levels of Section 24.161, and the indoor noise standards of Section 24.163. The installer shall construct a noise barrier around the use as necessary to meet these standards. The noise levels shall be determined by using the Air Conditioning and Refrigeration Institute Standards for Application for Sound Rate Outdoor Unitary Equipment (Standard 275), or by actual sound level measurement at the site.

24.166 Heat Pump Permit Requirements. No person shall install a heat pump prior to submitting a permit application to the Building Official and receiving approval. All applications shall certify that the operation of the heat pump will meet the provisions of Section 24.161 above by using the Air-Conditioning and Refrigeration Institute Standards for Application for Sound Rate Outdoor Unitary Equipment (Standard 275).

24.170 Commercial and Industrial Noise Standards

24.171 Regulations for Industry and Commerce. Commercial and industrial development shall conform to the Noise Control Regulations for Industry and Commerce of Chapter 340, Oregon Administrative Rules (DEQ Standards).

<sup>9</sup>24.172 Allowable Statistical Noise Levels

New Industrial and Commercial Noise Source Standards*	
Allowable Statistical Noise Levels in any One Hour	
7am-10pm	10pm-7am
L50-55dBA	L50-50dBA
L10-60dBA	L10-55dBA
L1-75dBA	L1-60dBA
* Measured 25 ft from a noise sensitive use toward the noise source. Source: OAR 340-35-035, Table 7 and Table 8.	

<sup>10</sup>24.173

Allowable Octave Band Sound Pressure Levels

Median Octave Band Standards for Industrial and Commercial Noise Sources		
Octave Band Center Frequency, Hz	7am - 10pm	10pm - 7am
31.5	68	65
63	65	62
125	61	56
250	55	50
500	52	46
1000	49	43
2000	46	40
4000	43	37
8000	40	34
Source: OAR 340-35-035, Table 10		

24.174

Commercial Heat Pumps

- (1) Refer to Section 24.164, where adjacent to residential use or zone.
- (2) Where the heat pump is not adjacent to a dwelling unit, the noise levels shall conform to the noise levels established in 24.171.

<sup>11</sup>24.175

Sale of Motorized Vehicles, Operation of Motor Sports Facilities and Sponsoring Racing and Practice Events

Businesses involved in the sale of motor vehicles, motor sports vehicles, operation of motor sports facilities and sponsoring amateur and professional racing and practice events involving motorized vehicles shall comply with all appropriate sections of Chapter 340 of the Oregon Administrative Rules.

24.200

Air Quality Standards

24.210

Purpose. The purposes of the air quality standards are to maintain or reduce the levels of air pollution in the Rogue River Valley in the vicinity of Grants Pass, and to protect the health of the citizens of the community.

24.220

Air Quality Regulations

The provisions of Chapter 340, Oregon Administrative Rules, Air Quality Regulations shall apply for the control of air pollution sources.

24.230 Air Quality Monitoring Procedures

The procedures of the measurements of air pollution shall be made according to the methods approved by the Oregon Department of Environmental Quality. Acceptable and equivalent methods of measurements will be approved by the City Engineer. Persons responsible for a suspected source of air pollution, upon request of the Director, shall provide quantitative and qualitative information regarding the discharge of pollution that will accurately describe operation conditions.

24.240 Ambient Air Quality Standards

<u>Pollutant</u>	<u>Avg. time</u>	<u>Fed. Standards Primary(health)</u>	<u>Secondary (welfare)</u>	<u>Oregon Standards</u>
Total Suspended Particulate	Annual Geometric Mean 24 hour(10) Monthly(2)	(The federal TSP standard was dropped in 1987. Oregon retained the State standards.)		60 ug/m3  150 ug/m3 100 ug/m3
PM 10 (fine Particulate)	Annual Arithmetic Mean 24 hrs	50 ug/m3	50 ug/m3	50 ug/m3
		150 ug/m3	150 ug/m3	50 ug/m3
Ozone	1 hour	0.12 ppm	0.12 ppm	0.12 ppm
Carbon Monoxide	8 hours	9 ppm	9 ppm	9 ppm
	1 hour	35 ppm	35 ppm	35 ppm
Sulfur Dioxide	Annual Arithmetic Mean	0.03 ppm	0.5 ppm	Same as Federal
	24 hrs	0.14 ppm		
	3 hours			
Nitrogen Dioxide	Annual Arithmetic Mean	0.053 ppm	0.053 ppm	Same as Federal
*Hydrocarbons (nonmethane)	3 hours (1) (6-9 am)	160 ug/m3	160 ug/m3	160 ug/m3
*"The EPA has repealed its standard for non-methane hydrocarbons and DEQ has taken similar action." (1988 OREGON AIR QUALITY ANNUAL REPORT)				
Lead	Calendar Quarter	1.5 ug/m3	1.5 ug/m3	Same as Federal
Source: Table 4, p.17. OREGON AIR QUALITY 1988 REPORT Notes: ug/m3 = micrograms of pollutant per cubic meter of air ppm = parts per million				

24.250 Residential

24.251 Wood Burning Device Installation

- (1) A mechanical permit is required for the installation of a wood burning device. The Building Official will inspect the device after installation to verify Oregon Mechanical Code compliance.
- (2) Following the guidelines, endorsed by the Department of Environmental Quality in determining the wood burning device that is properly sized to

efficiently heat a structure, is recommended. Over-sized heating devices shall be discouraged.

- (3) In accordance with Oregon House Bill 2235 (1983) and Oregon Administrative Rules (Chapter 340-21-100 through 190 adopted 1984), the following emission standards and labeling are required for wood burning devices.

#### EMISSION STANDARDS

Device Particulate Emission Rate (g/h) Catalytic 4 Noncatalytic 9

#### LABELING

1. Certified Test Performance
2. Average Emissions and Efficiency Performance

24.252 Wood Burning Device Fuels. The applicant proposing to install a wood burning device pursuant to 25.251 above, will be informed of the following regulations in a printed consumer information handout.

- (1) Dry wood, seasoned 6 months to one year minimum, will be the primary wood burning device fuel.
- (2) The burning of wood on poor air quality days, as determined by Oregon Department of Environmental Quality, will be avoided.
- (3) The burning of plastics, garbage and coal in the wood burning device is prohibited.

24.253 Dust Suppression During Construction. During construction on new development sites that are without paved surfaces, the developer shall take appropriate measures to suppress the dust, primarily by wetting the travel surfaces, in and around, the construction site.

#### 24.260 Commercial and Industrial

24.261 Notice of Construction. New development that proposes to install, construct or establish a new source of air contamination emission of any class listed in Section 24.262 must notify the Department of Environmental Quality in writing pursuant to the procedures of Oregon Administrative Rules Chapter 340, Division 20, Section 030, with a copy to the Community Development Department Director.

24.262 Classes of Sources of Air Contamination. This Article shall apply to the following classes of sources of air contamination, as addressed in OAR 340-20-25:

- (1) Air pollution control equipment.
- (2) Fuel burning equipment rated at 400,000 BTU per hour or greater.

- (3) Refuse burning equipment rated at 50 pounds per hour or greater.
- (4) Process equipment having emission to the atmosphere.
- (5) Open burning operations.
- (6) Such other sources as the DEQ may determine to be potentially significant sources of air contamination.
- (7) New construction, installation or establishments which includes enlargement, replacement, or modification of an air contamination source.

24.263 Air Quality Standards.

- (1) All classes of sources of air contaminants shall comply with the “Emission Standards and Regulation” Chapter 340, Oregon Administrative Rules.
- (2) Open burning is prohibited except as provided in the Grants Pass Municipal Code.

24.264 Odors. The emission of odorous gasses in such quantities as to be readily detectable at any point beyond the property line of the use creating such odors is prohibited.

24.265 Heat and Glare

- (1) Except for exterior lighting, operations producing heat or glare will be conducted entirely within a closed building.
- (2) Exterior lighting will be directed away from adjacent properties.

24.266 Dust Suppression. Where vehicles move on or across unpaved surfaces within the property of a commercial or industrial activity, then measures will be taken by those responsible for such activity to suppress the dust, either by an oil may or paving the surface.

24.267 New Road Surfaces. All new road surfaces established by existing or new development shall be paved with an impervious material.

24.270 Submittal Requirements

24.271 Residential Development

- (1) Wood-burning device applications will contain the cubic volume of the dwelling unit, the existing insulation in the walls, floor and ceiling, a floor plan sketch showing the location of the proposed wood-burning device, the type and model of the wood-burning device and the thermal heating characteristics of that device. It is recommended that wood-burning devices be installed only as a secondary heat source.

- (2) New residential construction will include a dust suppression plan (if applicable) with other information required by this Code.

24.272 Commercial and Industrial Development

- (1) Upon submittal of a development permit, the applicant will also submit a copy of the certified letter sent to the Department of Environmental Quality pursuant to Section 24.261 of this Article, if applicable.
- (2) New construction will include a dust suppression plan (if applicable) with other information required by this Code.

24.300 Water Quality Standards

24.310 Purpose. The purpose of the water quality standards are to protect the quality of the water resources of the area in order to assure maximum reasonable protection of public health, safety and welfare, and to protect the riparian environment for the enjoyment of the community.

24.320 Concept. This section is applicable to all new construction and land development. It is intended to regulate any activity that involves the discharge of waste, water, and the development or alteration of resources related to the natural flow of water.

24.330 Water Quality Regulations

The provisions of Chapter 340, Oregon Administrative Rules, Water Quality Control shall apply for control of water pollution sources.

<sup>12</sup>24.340 Water Quality Standards

24.341 Stream Corridor Setback. No structure other than accesses, loadings, docks, bridges pumping or water treatment facilities shall be located closer than 20 feet from the edge of the stream-bank.

24.342 Rogue River Buffer Area. Development shall be located outside the 100 year floodway pursuant to the provisions of Article 13.

24.343 Preservation of Riparian Vegetation. The stream corridor setback shall be used to preserve riparian vegetation within the banks of streams or the floodway of the Rogue River. Trimming of the vegetation in order to contain such vegetation within the banks or to alleviate a hazard is allowed. Noxious vegetation may be removed if replaced within 90 days by various combinations of plant materials and/or rip rap that stabilizes the stream bank and preserves the aquatic habitat.

24.344 Stream Channelization, Diking or Filling. Stream channelization is prohibited. Stream-bed alteration, stream-bank stabilization, removal of material from a stream-bank or bed, or the filling of a stream may require a permit from the Division of State Lands pursuant to ORS Chapter 196 and OAR Chapter 141 Division 85. Should such a permit be required, a development permit shall not be issued by the Director until a duly executed permit is received from the Division of State Lands.

24.345 Wetlands. For purposes of this Code, “Wetlands” shall be designated for protection only within the bed and banks of the Rogue River and its tributaries. Wetlands within the Rogue River floodway shall be left in their natural state. Wetlands within the Rogue River floodplain shall be protected as much as possible. Alteration of wetlands of tributary streams shall be subject to the conditions of a permit from the State Division of Lands. (See Section 24.344 above.) Development runoff shall not be carried through these riparian wetlands

<sup>13</sup>24.346 Wetlands Notice.

- (1) State notice requirements apply to all areas identified as wetlands on the Statewide Wetlands Inventory for the Grants Pass Urban Area. Initially this inventory shall consist of the National Wetlands Inventory produced by the United States Department of Interior, U.S. Fish and Wildlife Service, 1974, or superseding inventory for the Grants Pass Urban Area. Once the Oregon Division of State Lands provides the City with a copy of the Statewide Wetlands Inventory for the Grants Pass Urban Area in accordance with ORS Chapter 215, that inventory shall supersede the National Wetlands Inventory.
- (2) The Directory shall provide notice to the Oregon Division of State Lands, the applicant and the owner of record, within five working days of the acceptance of any complete application for the following activities that are wholly or partially within areas identified as wetlands of the State-wide Wetlands Inventory:
  - (a) Subdivision tentative plats.
  - (b) Building permits for new structures.
  - (c) Other development permits and approvals that allow physical alteration of the land involving excavation and grading, including permits for removal or fill, or both, or development in the flood-plains and flood-ways.
  - (d) Variances that involve physical alterations to the land or construction of new structures.
  - (e) Planned Unit Developments.
- (3) The provisions of subsection (2) above do not apply if a permit from the Oregon Division of State Lands has been issued for the proposed activity.
- (4) If the Oregon Division of State Lands fails to respond to any notice provided under subsection (2) above within 30 days of notice, the City approval may be issued with written notice to the applicant and the owner of record that the proposed action may require state or federal permits.
- (5) For comprehensive plan map or zoning map amendments for specific properties, the City may issue local approvals for parcels identified as or

including wetlands on the State-wide Wetlands Inventory upon providing to the applicant and the owner of record of the affected parcel a written notice of the possible presence of wetlands and the potential need for state and federal permits and providing the Oregon Division of State Lands with a copy of the notification.

<sup>14</sup>24.347      Storm Water Detention and Retention. See Sections 25.033(4) and 28.091.

24.350      Residential

24.351      Public Water Systems. Residential developments that provide for the provision of piped water for human consumption to three or more service connections and/or ten or more citizens, shall comply with the provisions of Chapter 333, Oregon Administrative Rules, Public Water Systems.

24.360      Commercial, Industrial and Municipal

24.361      National Pollution Discharge Elimination System Permit. No commercial, industrial or municipal development shall discharge any wastes into the waters of the streams and Rogue River without first obtaining a permit pursuant to Chapter 340, Division 45, Oregon Administrative Rules.

24.362      Waste Water Pollutants. No commercial or industrial development shall contribute any pollutant into the waste water that will interfere with the operation or performance of the municipal waste water treatment works pursuant to Municipal Ordinance No. 4469, Regulating Discharge of Pollutants, or its most recent update or replacement.

24.363      Municipal Water Systems. The municipal water system shall conform to the provisions of Chapter 333, Oregon Administrative Rules, Public Water Systems.

24.364      Paved Surfaces. All developments shall maintain their impervious surfaces in a litter and chemical free condition. New developments shall demonstrate that provisions are made to maintain the impervious surfaces in such clean conditions. Where new development is proposed abutting existing dirt roads and alleys will be paved with an impervious surface.

24.400      Land Quality Standard

24.410      Purpose. The purposes of land quality regulations are to assure that the health and safety of the citizenry is protected and that the land environment remains aesthetically pleasing for the community.

24.430      Solid Waste Management Standards

The provisions of Chapter 340, Oregon Administrative Rules, Solid Waste Management, shall be applicable for the control of solid waste disposal.

24.440 Commercial and Industrial

<sup>15</sup>24.441 Storage of Material and Equipment. All materials and equipment shall be stored and all grounds shall be maintained in a manner that will not attract or aid in the propagation of insects or rodents otherwise create a health hazard. The open storage of materials and equipment is permitted providing the storage area is contained within a sight obscuring fence or vegetative planting as provided in Section 23.036, Type F Screening.

The outside storage of chemicals and/or disposal of residues or products on site shall be permitted only after provisions are made for impermeable containment. Method of containment shall be approved by the City Engineer and the City Public Works Department as part of Site Plan Review process.

<sup>16</sup>24.500 Wetlands

24.510 Purpose. The purpose and intent of this section is to protect, conserve, and enhance locally significant wetlands. These wetlands are an important natural resource for flood and erosion control, water-storage and purification, wildlife habitat, open space, and recreation.

24.520 Wetlands Inventory. Wetlands are designated using methodologies approved by state and federal governments. The approximate boundaries of wetlands within the Grants Pass urban area depicted in the Grants Pass Urban Area Wetland Inventory, which is incorporated herein by reference.

24.521 Inventory Amendments. Where further scientific study or changes in state and/or federal regulations indicate wetland locations or boundaries other than those shown on the official inventory, and where such changes are accepted by the appropriate state and/or federal agencies, the Director shall cause such changes to be reflected on the Grants Pass Urban Area Wetland Inventory.

24.530 Wetland Conservation Classes. Inventoried wetlands are categorized by the Grants Pass Wetland Resource Plan in four classes.

- (1) Not Locally Significant Wetlands: This category includes wetlands that meet state and federal regulatory definitions, but that, based on information that is available on location, quality and quantity, are not important enough to warrant inclusion on the inventory of locally significant wetlands.
- (2) Development Class Wetlands: This class includes wetlands that are ecologically and scientifically significant, but, based on the analysis of ESEE consequences and other goals, conflicting uses should be allowed fully.
- (3) Conservation Class Wetlands: This class includes those wetlands that are ecologically and scientifically significant, and that, based on the analysis of the Economic, Social, Environmental, and Energy (ESEE) consequences, both the wetland and conflicting uses are important relative to each other. Conflicting uses are allowed, but in a limited way so as to protect the resource site to the desired extent.

- (4) Protection Class Wetlands: This class includes those wetlands that are ecologically and scientifically significant, and that are of such importance, based on the analysis of the Economic, Social, Environmental, and Energy (ESEE) consequences, that they should be protected from conflicted uses.

24.540 Development Class Wetlands and Not Locally Significant Wetlands

Development or alteration of development class wetlands, or wetlands that are not locally significant, is not restricted by this Section. State and federal permits must be acquired prior to the activity as required.

24.550 Conservation Class Wetlands

24.551 Allowed activities. The following activities are allowed in conservation class wetlands without a development permit provided they do not reduce the extent of the wetland or the degree to which a wetland performs any functions, nor does it involve any activity listed in Section 24.552:

- (1) Educational and scientific research.
- (2) Outdoor recreational activities such as fishing, bird watching, hiking, boating, and swimming.
- (3) Mowing of grasses and forbs to alleviate a fire hazard, or removal of a hazardous tree. Removal of any tree greater than eight inches diameter or mowing of an area greater than one acre requires prior approval from the Director.
- (4) Construction and maintenance of recreational trails.
- (5) Continuation of agricultural practices in effect at the date of adoption of this ordinance.
- (6) Maintenance of an existing public or private lawfully located facility, including roads, trails, dams, fences, and utility services.
- (7) Removal or fill that does not exceed 50 cubic yards of material and that does not alter more than 1,500 square feet of ground and/or vegetation. Removal of any tree greater than eight inches diameter requires prior approval from the Director.

24.552 Conditionally permitted activities. The following activities are allowed in conservation class wetlands provided a development permit is first obtained in accordance with Section 24.553 below:

- (1) Removal and or placement of more than 50 cubic yards of material, including soil, sand, gravel, minerals, aggregate, or organic material, or alteration of more than 1,500 square feet of ground.

- (2) Construction of any structure.
- (3) Removal of any existing vegetation or any activity which will cause any loss of vegetation in a wetland, except as listed in Section 24.551(3) and (7) above.
- (4) Disturbance of existing surface drainage characteristics, sedimentation patterns, flow patterns, or flood retention characteristics by any means, including grading and alteration of existing topography.
- (5) Alteration of the water level or water table by any means, including draining, ditching, trenching, impounding, or pumping.
- (6) Disturbance of water quality by any means including storm water run-off.
- (7) Construction of street or utility improvements as shown on applicable master plans.

24.553 Criteria. The activities listed in Section 24.552 above may only be permitted provided the review body finds that the following criteria are met:

- (1) The disturbance to the wetland is the minimum necessary to allow the permitted use. In no case shall the area disturbed exceed one acre cumulative on any wetland.
- (2) The activity maintains to the extent practical the essential functions of the wetland.
- (3) The wetland to remain is protected to the extent possible. Measures may include fencing of the area during construction, providing a buffer around the area to remain or other measures deemed necessary to protect the wetland.

<sup>17</sup>24.554 Procedure Type. Any activity listed in Section 24.552 shall be processed using the procedures in Schedule 2-1. Where the activity is in conjunction with an application requiring a higher procedure type, such as a subdivision or site plan, the application shall be processed concurrently using the higher procedure type.

24.555 State permits required. Prior to engaging in any of the activities listed above, the applicant shall obtain any necessary permits from the applicable state and/or federal agencies.

24.560 Protection Class Wetlands

24.561 Allowed activities. The following activities are allowed in protection class wetlands without a development permit provided they do not reduce the extent of the wetland or the degree to which a wetland performs any functions, nor does it involve any activity listed in Section 24.563.

- (1) Educational and scientific research.
- (2) Outdoor recreational activities such as fishing, bird watching, hiking, boating, and swimming.

- (3) Mowing of grasses and forbs to alleviate a fire hazard, or removal of a hazardous tree. Removal of any tree greater than eight inches diameter or mowing of an area greater than 0.25 acres requires prior approval from the Director.
- (4) Construction and maintenance of recreational trails.
- (5) Continuation of agricultural practices in effect at the date of adoption of this ordinance.
- (6) Maintenance of an existing public or private lawfully located facility, including roads, trails, dams, fences, and utility services.
- (7) Removal or fill that does not exceed 50 cubic yards of material and that is necessary to maintain the functions of the wetland, such as removal of silt.

24.563 Prohibited activities. The following activities are prohibited within protection class wetlands:

- (1) Those activities listed in Section 24.552 above.
- (2) Removal or fill of material, except under 24.561(7).

24.570 Wetland Buffers. Wetland buffers are the impact area that must be protected in order to protect or conserve a wetland. Wetland buffers are designated in the Grants Pass Wetland Resource Plan, which is incorporated herein by reference. Where a buffer is designated, it extends 25 feet beyond the boundary of the wetland, unless a different distance is specified in the plan.

24.571 Permitted uses in buffers. Wetland buffer areas shall receive the same protection as the wetland itself. Allowed, conditionally permitted, and prohibited uses within the adjacent wetland are equally treated within the buffer.

24.572 Buffer Modifications. The review body may permit modifications to buffers. The width of a buffer may be reduced to no less than 10 feet provided an equal area of buffer is provided elsewhere adjacent to the wetland. An application to modify a buffer shall be processed using a Type I procedure, unless a concurrent application requires a higher procedure type.

24.580 Wetlands Notice.

- (1) State notice requirements apply to development within all wetlands within Grants Pass urban area wetland inventory.
- (2) The Director shall provide notice to the Oregon Division of State Lands, the applicant and the owner of record, within five working days of the acceptance of any complete application for the following activities that are wholly or partially within areas identified as wetlands on the Grants Pass Urban Area Wetland Inventory:

- (a) Subdivision tentative plats.
  - (b) Building permits for new structures.
  - (c) Other development permits and approvals that allow physical alteration of the land involving excavation and grading, including permits for removal or fill, or both, or development in the flood-plains and flood-ways.
  - (d) Variances that involve physical alterations to the land or construction of new structures.
  - (e) Planned Unit Developments.
- (3) The provisions of subsection (2) above do not apply if a permit from the Oregon Division of State Lands has been issued for the proposed activity.
- (4) If the Oregon Division of State Lands fails to respond to any notice provided under subsection (2) above within 30 days of notice, the City approval may be issued with written notice to the applicant and the owner of record that the proposed action may require state or federal permits. Any City approval shall comply with the provisions of this Article.
- (5) For comprehensive plan map or zoning map amendments for specific properties, the City may issue local approvals for parcels identified as or including wetlands on the Grants Pass Urban Area Wetlands Inventory upon providing to the applicant and the owner of record of the affected parcel a written notice of the possible presence of wetlands and the potential need for state and federal permits and providing the Oregon Division of State Lands with a copy of the notification.

24.590 Variance Procedures. Any variance to the provisions of the Section shall be processed in accordance with Article 6: Variance Procedures and Criteria.

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<sup>1</sup> Revised 8-7-91

<sup>2</sup> Revised 8-7-91

<sup>3</sup> Revised 5-16-95

<sup>4</sup> Revised 8-7-91

<sup>5</sup> Source: HUD, Circular 1390

<sup>6</sup> Revised 8-7-91

<sup>7</sup> Source: HUD-953-CPD

<sup>8</sup> Revised 5-16-91

<sup>9</sup> Revised 8-7-91

<sup>10</sup> Revised 8-7-91

<sup>11</sup> Revised 8-7-91

<sup>12</sup> Revised 8-1-84

<sup>13</sup> Revised 1-8-92

<sup>14</sup> Revised 1-8-92

<sup>15</sup> Revised 1-8-92

<sup>16</sup> Added 1-7-98 by Ordinance 4919

<sup>17</sup> Revised 4-20-05 by Ordinance 5285